

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
03/02/06
5:30PM

ATTENDANCE: Randy Mackie, Greg Borgman, Chris Carter, Jon Rolewicz,
Ed Simmons, Nick Kroes

ABSENT: Kirk Kolberg

EXCUSED:

STAFF: Henry Faltinowski, Carmen Smith, Don LaBrenz, Jim Hoppus,
Ken Murar, Mark Kincaid, Major Metcalf

GUESTS: Marlene Bouchard (1751 McIlwraith), James Foster (914 W.
Grand), and William R. Sininger (914 W. Grand)

Meeting minutes: A motion was made by Randy Mackie and seconded by Jon Rolewicz to approve the February 2006 minutes.

A roll call vote was taken:

AYES:
Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons

NAYES:

EXCUSED:

ABSENT:

Kirk Kolberg

Motion carried.

PROPERTY MAINTENANCE CODE APPEAL CASES:

2346 Wickham, Mike Bernhardt, 2259 S. Hilltop Dr., Muskegon, MI 49441 – Was removed from agenda.

DANGEROUS BUILDING REVIEW CASES:

EN-060003-914 W. GRAND – Nina Foster, 1938 Maryland Dr., Muskegon, MI 49441

James Foster son of Nina Foster was present to represent case.

Mark Kincaid stated that a permit had been issued and timeline submitted and an agreement of monthly inspections to be conducted. Ed Simmons asked if property was to become a rental. Mr. Foster said the home was sold on land contract but owner defaulted and plans are to now to sell structure once renovations are completed.

Staff Recommendation: Table case until June 2006 meeting.

Motion made by Randy Mackie and seconded by Chris Carter to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons

NAYES:

EXCUSED:

ABSENT:

Kirk Kolberg

Motion carried.

PROPERTY MAINTENANCE CODE APPEAL CASES:

1845 Kinsey, Sean Mullally, 850 Victor, N. Muskegon, MI 49445

Mark Kincaid stated Mr. Mullally was unable to attend meeting but submitted a letter to present his case, which was distributed to all board members. Mark Kincaid passed out a memo in response to Mr. Mullally. Ed Simmons asked about item # 13 if boards were missing. Don LaBrenz said that Roxi Wever, Housing Inspector says they are

but Mr. Mullally claims that's not the case and boards have been repaired so he recommends having a inspector look at it to see if it has actually occurred.

Nick Kroes asked about item #14, which sounds like Mr. Mullally has replaced ceiling panels. Don LaBrenz stated there is still some exposed Styrofoam. Mark Kincaid said according to code they can't use Styrofoam because it's flammable so it can't be negligible it has to be totally removed. Ed Simmons asked had final inspections occurred yet. Don LaBrenz said when the memo was prepared he wasn't aware the furnace issue had been resolved and that a mechanical inspection had been conducted 03/02/06, but other items in question had not been inspected.

Staff Recommendation: Items #5 & #6 repair completed pending inspection of work. Table items #8, #9 until April 2006 meeting to allow building inspector to inspect items in question, items #12 & #13 be referred back to the housing inspector to confirm that items have been resolved and item #14 to be denied.

A motion was made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons

NAYES:

EXCUSED:

ABSENT:

Kirk Kolberg

Motion carried.

DANGEROUS BUILDING REVIEW CASES:

EN-050110 – 500 Amity, Roger/Tracy Verway, 7089 E. Farr Rd, Nunica, MI 49448

No one was present to represent case.

Mark Kincaid said case came before board in December 2005 and the couple said they were going to repair and there has been no contact and no permits issued.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Randy Mackie and seconded by Jon Rolewicz to accept staff

recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons

NAYES:

EXCUSED:

ABSENT:

Kirk Kolberg

Motion carried.

EN-060002- 585 Catherine – Gary Link, 4050 Harbor Point Dr., Muskegon, MI 49441

No one was present to represent case.

Mark Kincaid stated structure is in bad shape and passed pictures around to board.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons

NAYES:

EXCUSED:

ABSENT:

Kirk Kolberg

Motion carried.

EN-060004- 1986 Continental St – Calvin Lee, 1986 Continental, Muskegon, MI 49442

No one was present represent case.

Mark Kincaid said the structure is in bad shape and appears to be vacant.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons

NAYES:

EXCUSED:

ABSENT:

Kirk Kolberg

Motion carried.

EN-060005 – 1271 8th Street – Citicorp Trust Bank, 1111 Northpoint Dr., Ste 4, Coppell, TX 75019

No one was present to represent case.

Mark Kincaid stated dangerous building inspection was conducted 01/06 and there has been no contact with owner.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons

Kirk Kolberg

Motion carried.

EN-050119-1751 McIlwraith – John W. Phillips, 307 E. H Street, Tehachapi, CA 93561

Marlene Bouchard, realtor was present to represent case.

Ms. Bouchard stated owner lives in California and contractor has been lined up and timeline submitted to complete project by July 1, 2006. Ms Bouchard stated she's not sure if the owner will rehab to sell or rent and that she would have the broken windows boarded up.

Staff Recommendation: Table until April 2006 to allow owner time to secure permits and meet with Inspections.

Motion made by Randy Mackie and seconded by Chris Carter to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons

NAYES:

EXCUSED:

ABSENT:

Kirk Kolberg

Motion carried.

OLD BUSINESS:

Mark Kincaid reported that the housing inspector has contacted the owner of 431 Orchard and they are working to get repairs done. Mark Kincaid also mentioned that 444 Orchard has been boarded but is State owned. Chris Carter asked what is the

procedure for the State of Michigan owned structures. Mark Kincaid stated that unfortunately if the CNS Department can't rehab it the structure is usually demolished. Mr. Kincaid said there were two houses on Merrill that didn't fit the profile to rehab so they were trying to work out a deal with the State to transfer over to the City and they would be demolished and could be rebuilt. Chris Carter stated it seems as if we let the State slide in responsibility. Mark Kincaid stated we don't let them slide but the City doesn't have power over them. We send same information/notices like we do to any other homeowner. Mr. Kincaid mentioned that we can demolish without buying the property but the cost is on the City and we don't get any reimbursement from the State. Ed Simmons asked if the City acquires property what's the history of houses being built on empty lots. Don LaBrenz stated there have been a number of houses built, he stated what happens is the City acquires property, then demolish the structures and the Planning Department tries to market the property to sell or CNS acquires for their home program. Chris Carter asked if there had been any investigation of recourse from the State. Mark Kincaid stated that State owned properties are treated like any other property on the dangerous building list. Don LaBrenz added consideration is given whether it's more beneficial to leave the building sitting in hopes someone steps up to the plate or tears them down. Mr. LaBrenz added 95% of the time State own properties once in the system and condemned will be demolished because no one steps up to the plate. Greg Borgman asked if possible to acquire State owned homes at lowest possible cost and move homes. Don LaBrenz stated when the States hands off property to the City or to whomever, they want all back taxes paid for the minimum bid and if there are 2 or 3 years worth of taxes it may add up to be more than what the property is worth. Chris Carter stated he thinks there should be a way to make the State more responsible. Nick Kroes asked about 1608 Elwood which has been boarded; he wanted to know when that property would come before board. Don LaBrenz stated there has been a problem locating the owner but would be looked into. Greg Borgman asked about 1121 Third where windows have been broken out.

NEW BUSINESS:

ADJOURNMENT: 6:05 PM

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

O:\Inspections\Grabinski_Lorraine\Word\HBA MEETINGS\Agenda & Min. 2003 & 2004\MINUTES 03-02-06.doc

Gail Kunding, City Clerk
933 Terrace Street
Muskegon, MI 49443
(616) 724-6705 or TDD (616) 724-6773